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STATE OF DELAWARE
BOARD OF CLINICAL SOCIAL WORK EXAMINERS

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| PUBLIC MEETING MINUTES: | BOARD OF CLINICAL SOCIAL WORK EXAMINERS |
| MEETING DATE AND TIME: | Monday, May 15, 2017 at 9:00 a.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building |
| MINUTES FOR APPROVAL: | June 19, 2017 |

MEMBERS PRESENT

John Mucha, Professional Member, **President**, Presiding
Kyla Gleockler, Public Member **Vice President**
Dajoun Sewell, Public Member, **Secretary**
Rochelle Mason, Professional Member
Daphne Warner, Professional Member (entered at 9:15 a.m.)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Nicole Williams, Administrative Specialist III
David Mangler, Division Director

MEMBERS ABSENT

Linda Brittingham, Professional Member

ALSO PRESENT

Dr. Marlene Saunders, National Association of Social Work, Delaware Chapter
Julie Fedele, State of Delaware, Division of Research
Monique Williams, Magellan
Dr. Fran Franklin, Delaware State University
Terri Turchan, US Air Force

CALL TO ORDER

Mr. Mucha called the meeting to order at 9:05 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes for the April 17, 2017 meeting. Ms. Sewell noted that her name was misspelled on page 1 of the review of minute's section. Mr. Mucha noted clarification needed on pages 2 and 3 in the section for online instruction, questions for NASW. Mr. Mucha moved, seconded by Ms. Mason, to approve the April minutes as amended. By unanimous vote, the motion carried. The Board moved to agenda item legislative update.

UNFINISHED BUSINESS

Review and Consider Executed Consent Agreement and Proposed Order for Christine Caputo, Case No. 31-05-16

The Board reviewed and discussed the executed consent agreement and proposed order for Christine Caputo. Mr. Mucha was recused from this case. Ms. Mason moved, seconded by Ms. Warner, to accept the consent agreement as submitted. By unanimous vote, the motion carried.

Discussion on breakdown of online CEUS, face-to-face, virtual, and on-demand

The Board moved this agenda topic to the end of the meeting to allow Dr. Saunders to provide her public comment regarding this matter.

Review of CEUs per consent agreement for Gerald Wesley Jones, II, Case No.:31-02-15

Ms. Kelly advised that the Board needs to review the CEUs Mr. Jones completed as a result of his consent agreement. The Board reviewed the completion certificate submitted by Mr. Jones. Mr. Mucha moved, seconded by Ms. Sewell, to accept Mr. Jones's CEUs. By unanimous vote, the motion carried.

Review and Consider Executed Consent Agreement and Proposed Order for Gail Levinson, Case #31-02-16

The Board reviewed and discussed the executed consent agreement and proposed order for Gail Levinson. Ms. Kelly advised that the letter of reprimand does not impact the person's ability to practice except that it is only a permanent letter of infraction in the person's file. The Board has the option to accept the recommendation or reject. Ms. Mason was recused from this case. Ms. Gloeckler moved, seconded by Ms. Warner, to accept the consent agreement as submitted. Ms. Sewell advised that she does not disagree or agree with the consent agreement; however she does feel that the letter of reprimand does not fit the infraction. Ms. Kelly advised of options that the Board can suggest if they do not agree with the terms of the consent agreement. Ms. Sewell did not agree with the consent agreement therefore voted not to accept. Ms. Daphne suggested including 6 hours of continuing education on the topic of Boundaries. Mr. Mucha moved, seconded by Ms. Warner, to reject the consent agreement and request to the addition of 6 hours of CE in the subject area of Boundaries. By unanimous vote, the motion carried.

Legislative Update

Ms. Kelly advised the Board of the current bill and changes that were made to the original drafted bill. The Board reviewed the drafted bill with the proposed changes and compared it to the final draft that the Board had originally submitted. Mr. Mangler advised that with the new suggested changes, the bill has not yet been introduced. Regarding the Definitions section in the original draft bill where "basic" and "substantially" was removed, Ms. Mason advised that the original language as it was written should stand. Additionally Ms. Kelly advised that the redrafted draft excluded the language regarding "baccalaureate social work shall be practiced only under the supervision, etc." Ms. Mason advised that language should also remain. Ms. Gloeckler advised also that the supervision language of this section should remain as it is important. The Board agreed to leave the redrafted language and to add back the supervision language. Ms. Warner advised to strike supervision from the sentence regarding their scope of practice. The Board agreed.

The redrafted language changed "client" to "patient". The Board advised that it should stay as "client", not patient." The bill added a definition of case management. The Board agreed with the included definition.

Definition of clinical social work – the redrafted bill excluded "the person-in-environment" as well "as related to the clinical therapeutic relationship." The Board stated to have both phrases included back into the bill.

A definition for consultation was added. Ms. Kelly stated that the definition appeared to be supervision. Mr. Mangler clarified that the consultation definition was added due to the word consultation being used previously or later on in the bill therefore needed to be defined. In the baccalaureate definition consultation is used. Ms. Warner advised that the definition was accurate and was not included in the original draft bill and only suggested to take out expertise. Ms. Kelly suggested stating instead "with another professional." Additionally the Board agreed to remove the word "legally" from this definition.

Counseling is a new definition added to the redrafted bill. The Board agreed with this new definition.

In the master's social work definition, the redrafted bill had stricken the language regarding supervision which stated "Master's Social Work shall be practiced only under supervision as set forth in the Board's rules and regulations." The Board agreed that the supervision statement should be added back to the redrafted bill.

All references to "patient" in the redrafted bill should state "client" instead.

Ms. Kelly advised that the definition for "supervision" does not need the word "approved" for the clinical supervisor as the regulations will determine what standards the supervisor has to meet. The Board will not be approving supervisors.

For exemptions, Ms. Kelly advised to add the language "the individual who provides services under this section shall be deemed to have submitted to the jurisdiction of the Board and bound by the laws of the State." The Board agreed.

Ms. Kelly advised that the redrafted bill states "Service plans may include job training and employability, housing, general public assistance, in-home services, etc." The Board agreed to strike that language as it does not add any significant substance to the bill.

Ms. Kelly advised that word "appointed" regarding a quorum in the redrafted bill does not belong. The Board agreed to strike the word "appointed" from the redrafted bill.

Under Ms. Kelly's advisement, the Board agreed to add a section under 3907A to the redrafted bill for applicants that are applying either by reciprocity or by examination and are educated outside of the United States.

For reciprocity, the Ms. Kelly advised to add back the word "current" to the language "proof of licensure in good standing, etc. " The Board agreed. Additionally, Ms. Kelly advised to change "proof that, in another jurisdiction" to "proof that, in all other jurisdictions." The Board agreed.

The Board agreed to change "proof" to "attestation" with regards to continuing education in the renewal language of the redrafted bill.

The Board agreed to strike the word "temporarily" with regards to revocation. Additionally the Board agreed to remove "at least 45...hours" with regards to continuing education in the redrafted bill.

With regards to grounds for discipline, the Board agreed to have the language read as "excessively used or abused drugs in the past or currently such that it impairs the practitioner's ability to perform the work of a clinical social worker."

The Board agreed to keep the new section 3920 Telehealth and telemedicine to the redrafted bill as written. In the synopsis, the type of exam needed for licensure is a "national" exam.

Mr. Mangler advised to establish an effect date from the Bill signed by the Governor to allow a timeframe for establishing rules and regulations. Ms. Kelly and the Board suggested at least 12 months from the date the bill is signed by the Governor as the effective date.

Lastly, Ms. Kelly inquired if the Board had any additional information regarding the definition of supervision and if the definition was clear. The Board suggested to amend the definition to make it clearer by adding the word “services to this sentence of the definition: “abilities to provide social work ‘services’ in an ethical and competent manner.”

Ms. Sewell moved, seconded by Mr. Mucha, to communicate the Boards recommendations for the redrafted bill. By unanimous vote, the motion carried. Ms. Fedele stated that the bill would then come back before the Board for any additional changes for discussion if needed. Ms. Kelly will speak on behalf of the Board for any future discussions on this bill.

NEW BUSINESS

Ratification of Application(s) to Sit for ASWB Clinical Exam

Mr. Mucha moved, seconded Ms. Gleockler by to ratify the below applications to sit for the ASWB Clinical Exam. By unanimous vote, the motion carried.

Patricia Caulk
Stephany Roberts
Carolyn Sewell-Roberts

Ratification of Application(s) by Reciprocity

Mr. Mucha moved, seconded by Ms. Sewell to ratify the below application for licensure by reciprocity. By unanimous vote, the motion carried.

Carolyn Wolff

Review of Application(s) by Reapplication

There were no reapplications for the Board to review.

Review of Application for Shawn Gianforte, EXAM – Request for Waiver, CBC Charges

The Board reviewed and discussed the application to sit for the ASWB clinical exam for Shawn Gianforte. Ms. Mason moved, seconded by Mr. Mucha, to grant a waiver and approve Mr. Gianforte for licensure. By unanimous vote, the motion carried.

Status of Complaints

Complaint #31-4-16 – Closed by Investigator

Discussion: Sovereign immunity for Board Members: APA, FOIA and State Employees, Officers” and Officials’ Code of Conduct

Mr. Mucha stated that he inquired about the protection of the Board members. Ms. Kelly provided an overview with the Board the information she gathered regarding Sovereign Immunity for Board members.

Review of supervision letter from Joy Fischer

The Board reviewed and considered the letter of request for Ms. Fischer. Ms. Kelly advised to direct Ms. Fischer to the rules and regulations regarding supervision. Mr. Mucha moved, seconded by Ms. Sewell, to draft a letter of response to Ms. Fischer directing her to the supervision section of the rules and regulations.

Review of request from Jacksie Pitts – took ACSW Exam by ETS

The Board reviewed and considered the letter of request for Ms. Pitts. Mr. Mucha moved, seconded by Ms. Sewell, for Ms. Williams to draft a letter of response to Ms. Pitts stating the letter of verification from NASW does not clearly define her supervision hours and who her previous supervisors were and that she will need to submit an application for the Board to make a determination on her application and request.

Review of 2017 audits received

The Board will come early or stay late at the next regular schedule meeting for review of the audits received for approval, denial, or deficiencies.

Review of Audit Requests

Cherine Nelson – The Board reviewed and considered the audit extension request for Ms. Nelson to respond to the audit. Title 29, 8735 refers to active military provisions. Ms. Kelly suggested that Ms. Williams correspond via email to Ms. Nelson about her military status.

Lynn Kiernan – The Board reviewed and considered the audit extension request for Ms. Kiernan to respond to the audit. Mr. Mucha moved, seconded by Ms. Sewell, to approve the audit extension for Ms. Kiernan.

Barbara Hruda, Audit Exemption due to Retirement – The Board reviewed and considered the audit exemption request from Ms. Hruda to a retired status. Ms. Kelly advised that the practice has been not to allow a licensee to avoid discipline as a result of non-compliance to the audit by requesting inactive status. Ms. Kelly advised that the Board can forward her letter to the hearing unit. Mr. Mucha moved, seconded by Ms. Mason, to refer her audit to the Administrative Hearing Unit to schedule her for a Rule to Show Cause Hearing. By unanimous vote the motion carried.

CORRESPONDENCE

There was no correspondence for the Board to review or discuss.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Ms. Mason advised that next month will be her last month serving for the Board of Clinical Social Work.

PUBLIC COMMENT

Dr. Saunders addressed the Board and reported that in April NASW-DE held a licensure exam prep-workshop which was very successful. Regarding continuing online CEUs, Dr. Saunders stated that NASW had provided some additional information from other States. NASW sent a survey to other states about online CEU requirements and how much can be pertained online.

NEXT MEETING

The next meeting is scheduled for June 19, 2017 at 9:00 a.m. in Conference Room A.

ADJOURNMENT

Mr. Mucha moved, seconded by Ms. Sewell to adjourn the meeting. There being no further business before the Board, the meeting adjourned at 11:45 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Nicole M. Williams". The signature is written in a cursive style with a long horizontal flourish at the end.

Nicole M. Williams
Administrative Specialist III
Delaware Board of Clinical Social Work Examiners

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.